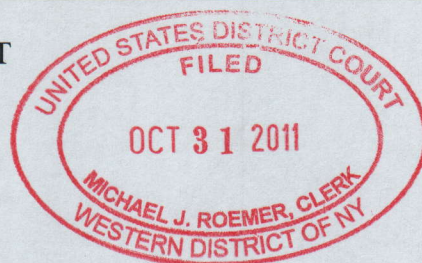


UNITED STATES DISTRICT COURT
for the
Western District of New York



United States of America

v.

ALFRED JOHNSON

Date of Previous Judgment or

Last Sentencing Reduction March 29, 2005

(Use Date of Last Order of the Court)

)

) Case No: 01-CR-6017L

) USM

) No: 10723-055

)

) MaryBeth Covert, AFD

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment or sentencing reduction issued*) of 180 months **is reduced to** TIME SERVED.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level:	<u>35</u>	Amended Offense Level:	<u>29</u>
Criminal History Category:	<u>VI</u>	Criminal History Category:	<u>VI</u>
Previous Guideline Range:	<u>292</u> to <u>365</u> months	Amended Guideline Range:	<u>240</u> to <u>240</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- x Other (explain): Original sentence was below Guidelines because of Government 5K1.1 motion. A comparable reduction is warranted under Guidelines effective 11/1/11. See Guidelines § 1B1.10(b)(2)(B).

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 3/29/05 shall remain in effect.

IT IS SO ORDERED.

Order Date: October 31, 2011

Effective Date: November 1, 2011
(if different from order date)


Judge's signature

David G. Larimer - United States District Judge
Printed name and title